



United States Department of Agriculture

Food Safety and
Inspection Service

1400 Independence
Avenue, SW.
Washington, D.C.
20250

TO: William C. Smith, Assistant Administrator
Office of Field Operations (OFO)

FROM: William Gillingwater, Domestic Operations Branch Chief
Recall Management and Technical Analysis Division, OFO

SUBJECT: Product Public Health Alert Recommendation
Pinnacle Foods Corporation, Est. M4L, Fayetteville, AR
Ready to Cook Chicken Entrée product, *Salmonella*

Pinnacle Foods Corporation, Establishment M4L/P138 produced approximately 7,625 pounds of Chipotle BBQ Sauced Boneless Chicken Wyngz meals using a non-meat ingredient containing whey powder, that may be contaminated with *Salmonella*. The products were produced and packaged on June 14, 2018, with best by date of September 6, 2019 and lot code 3806099D26.

The problem was discovered on July 17, 2018, when Pinnacle Foods Corporation was notified by their supplier, Griffith Foods, that an ingredient used in ranch seasoning supplied to the firm is being voluntarily recalled by the manufacturer, Associated Milk Producers, Inc. (AMPI). The ingredient subject to FDA recall due to potential *Salmonella* contamination is Dry Whey Powder, which is used to make Item#860146600 (Ranch Season 50# MW bag, batch number 671217) shipped to Pinnacle Food Corporation. Pinnacle Foods Corporation added the affected ranch seasoning to mashed potatoes, which are a component of a frozen tray entrée meal which also contains boneless chicken wings. The whey powder represents 11.1% of the ranch dressing mix and the mix represents 1.13% of the mashed potatoes and 0.28% of the overall product. The chicken wings are fully cooked; however, the firm does not apply a lethality treatment to the mashed potatoes. The firm provided a Certificate of Analysis from their seasoning supplier demonstrating that the lot of ranch seasoning received by the firm was tested and found negative for the presence of *Salmonella*.

The firm produced approximately 47,206 pounds of Chipotle BBQ Sauced Boneless Chicken Wyngz meals using the batches of implicated seasoning identified by their supplier. The firm has 39,581 pounds on hold in their control. Therefore, the firm shipped approximately 7,625 pounds of Chipotle BBQ Sauced Boneless Chicken Wyngz product to commerce. The products were distributed to retail locations in Massachusetts, Pennsylvania, and Virginia.

FSIS and the firm have not received any reports of injury or illness pertaining to this matter.

The Office of Public Health Science (OPHS) initially recommended a Class I recall of the products containing ranch seasoning, indicating that FSIS does not rely on cooking practices.

The Office of Policy and Program Development (OPPD) recommended a public health alert due to the FDA issuing a recall and the fact that the PHA could be expanded upon if necessary as there may be additional FSIS-regulated product impacted by this issue.

On July 19, 2018, OPHS, OPPD, OPACE, OIEA, OFO, OFO/RMTAD, Springdale District Office, and the FDA deliberated and discussed the health hazards associated with the product, consumer cooking practices, procedures and practices at the firm that produced the whey powder, and the production process at Pinnacle Foods Corporation. FDA provided clarification that the firm has a routine test-and-hold sampling program. The firm tested finished whey powder products in May 2018 and June 2018 and the product tested positive for *Salmonella typhimurium*. FDA reported that the products produced in the timeframe between the two positives, including the lots used by Pinnacle, tested negative for *Salmonella*; however the firm elected to recall the product produced between the two positives.

The Springdale District Office provided information confirming that there are no heating procedures applied to the mashed potatoes or ranch seasoning, which contains the whey powder.

On July 20, 2018, the FDA provided information indicating that AMPI conducts cleaning procedures (b) (4). AMPI defines one lot as a (b) (4) and conducts product sampling on each sub-lot, which consists of (b) (4) samples for every (b) (4). FDA also reported that the whey is pasteurized prior to drying. FDA was unable to report any supplier commonalities between the lots that tested positive in May and June and the negative lots produced in between. FDA was also unable to provide information regarding any corrective actions taken by AMPI after the first product positive in May, or information regarding the pasteurization process, at this time.

On July 20, 2018, OPHS, OPPD, OPACE, OIEA, OFO, OFO/RMTAD, ODIFP, and the Springdale District Office deliberated and discussed all available information. FSIS determined that, at this time, a recall is not warranted. However, in light of the concerns regarding the safety of the whey powder produced between two positives, and the producing firm's ongoing investigation to determine the cause of the contamination, Management from OFO, OPHS, OPPD, OIEA, OPACE, and ODIFP agreed that a Public Health Alert would be issued to notify consumers who may have purchased the affected product.

The committee's unanimous recommendation is for a Public Health Alert.

Approved: _____ Date _____
William C. Smith, Assistant Administrator
Office of Field Operations

From: [O'Conner, Tammy - FSIS](#)
To: [Reo, Mark - FSIS](#)
Subject: FW: Boneless Wyngz Q&A for askFSIS
Date: Thursday, December 16, 2010 4:11:07 PM

From: Engeljohn, Daniel
Sent: Thursday, December 16, 2010 4:09 PM
To: O'Conner, Tammy
Subject: RE: Boneless Wyngz Q&A for askFSIS

Ok – DLEngeljohn, AA/OPPD, 12/16/10.

Daniel L. Engeljohn, PhD

Assistant Administrator

Office of Policy and Program Development, FSIS, USDA
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Main Office -- (202) 205-0495
Voicemail -- (202) 720-0089
BlackBerry -- (202) 368-5457 -- emergency only
Fax -- (202) 720-2025
Policies -- http://www.fsis.usda.gov/Regulations_&Policies/index.asp

From: O'Conner, Tammy
Sent: Thursday, December 16, 2010 4:06 PM
To: Engeljohn, Daniel
Subject: FW: Boneless Wyngz Q&A for askFSIS

Is this ok?

From: Reo, Mark
Sent: Thursday, December 16, 2010 2:38 PM
To: O'Conner, Tammy
Cc: Yoder, Lynn; Reo, Mark; Murphy-Jenkins, Rosalyn
Subject: Boneless Wyngz Q&A for askFSIS

Hi Tammy,

I made the changes that Dan wanted, please forward again for clearance.

Thanks,

Mark

<< File: Revision3 boneless Wyngz QandA for askFSIS (3).docx >>

Mark J. Reo, Physical Scientist

Office of Policy and Program Development (OPPD)

Labeling and Program Delivery Division (LPDD)

(301)-504-0870

mark.reo@fsis.usda.gov

http://www.fsis.usda.gov/About_Fsis/Labeling_and_Consumer_Protection/index.asp

From: [Canavan, Jeff - FSIS](#)
To: [Santaliz, Gianfranco - FSIS](#)
Cc: [Murphy-Jenkins, Rosalyn - FSIS](#)
Subject: FW: New Q&A posted to askFSIS - Use of "Wyngz" on Poultry Product Labeling
Date: Wednesday, August 15, 2018 9:26:20 AM

From: Yoder, Lynn

Sent: Tuesday, December 21, 2010 7:17 AM

To: All FO Field Employees <AllFOFieldEmployees@fsis.usda.gov>; All State Inspectors <AllStateInspectors@fsis.usda.gov>; Califa, Michael <Michael.Califa@fsis.usda.gov>; Crawford, Rustin <Rustin.Crawford@fsis.usda.gov>; DiNapoli, Greg <Greg.DiNapoli@fsis.usda.gov>; 'Don Delozier' <donald.delozier@ncagr.gov>; Engeljohn, Daniel <Daniel.Engeljohn@fsis.usda.gov>; FO/OAA <FO/FOODA@fsis.usda.gov>; Fravel, Roland <Roland.Fravel@fsis.usda.gov>; Gioglio, Charles <Charles.Gioglio@fsis.usda.gov>; Goldman, David - Commissioned Corps <David.Goldman@fsis.usda.gov>; Green, Kim <Kim.Green@fsis.usda.gov>; Harmon, Julie <Julie.Harmon@fsis.usda.gov>; Illum, Natalie <Natalie.Illum@fsis.usda.gov>; James, William <William.James@fsis.usda.gov>; Jennings, Barbara <Barbara.Jennings@fsis.usda.gov>; Knowler, Susan <Susan.Knowler@fsis.usda.gov>; Lange, Loren <Loren.Lange@fsis.usda.gov>; Michael, Matthew <Matthew.Michael@fsis.usda.gov>; Mitchell, Yolande <Yolande.Mitchell@fsis.usda.gov>; Mojay, Ndidi <Ndidi.Mojay@fsis.usda.gov>; Nintemann, Terri <Terri.Nintemann@fsis.usda.gov>; Nunez, Frank <Frank.Nunez@fsis.usda.gov>; OIA/Headquarters <OIA/Headquarters@fsis.usda.gov>; OIA/IID/All Field Regions <IID/AllFieldRegions@fsis.usda.gov>; Oliver, Russell <Russell.Oliver@fsis.usda.gov>; OOEET/CFL/Field <OA/CFL@fsis.usda.gov>; OOEET/SOTAD <SOTAD@fsis.usda.gov>; OPACE/WSS <OPACE/WSS@fsis.usda.gov>; OPEER/CID <OPEER/CID@fsis.usda.gov>; OPEER/FSAB/Omaha <OPEERFSABOmaha@fsis.usda.gov>; OPEER/ICAD <OM/ICAD@fsis.usda.gov>; OPHS/MD <OPHS/BD/Headquarters@fsis.usda.gov>; OPPD Communique <OPPDCommunique@fsis.usda.gov>; OPPD/IPD <OPPD_IPD@fsis.usda.gov>; OPPD/LPDD <OPPEDLPDD@fsis.usda.gov>; OPPD/PAD <OPPEDPAD@fsis.usda.gov>; OPPD/PDD <OPPEDPDD@fsis.usda.gov>; OPPD/PID <OPPEDPID@fsis.usda.gov>; OPPD/POD <OPPEDPCOO@fsis.usda.gov>; OPPD/RIMD <OPPEDRMD@fsis.usda.gov>; Picard, Lisa Wallenda <LisaWallenda.Picard@fsis.usda.gov>; Puzo, Daniel <Daniel.Puzo@fsis.usda.gov>; Quick, Bryce <Bryce.Quick@fsis.usda.gov>; Randle, Sharon <Sharon.Randle@fsis.usda.gov>; Roth, Jane <Jane.Roth@fsis.usda.gov>; Safian, Scott <Scott.Safian@fsis.usda.gov>; Smith, William C. <William.Smith@fsis.usda.gov>; Stanley, Mary <Mary.Stanley@fsis.usda.gov>; Syed, Shaukat <Shaukat.Syed@fsis.usda.gov>; Tarrant, Alexandra <alexandra.tarrant@fsis.usda.gov>; Theodule, Jonathan <Jonathan.Theodule@fsis.usda.gov>; Underwood, Denise <Denise.Underwood@fsis.usda.gov>; Weekly Report Submissions <WeeklyReportSubmissions@fsis.usda.gov>; Yee, Harry <Harry.Yee@fsis.usda.gov>; Zablotsky-Kufel, Joanna <Joanna.Zablotsky-Kufel@fsis.usda.gov>

Subject: New Q&A posted to askFSIS - Use of "Wyngz" on Poultry Product Labeling

**Please be aware that the following Q&As has posted to askFSIS today
December 21, 2010.**

Submit any questions regarding the pre-notification to [askFSIS](#) [Product = Labeling ; Category = Labeling Regulations, Policies & Claims]

Subject: Use of “Wyngz” on Poultry Product Labeling [You can view this answer here.](#)

Question: Under what conditions can “wyngz” be used as a fanciful term on poultry product labeling?

Answer: FSIS has a standard of identity in Title 9 of the Code of Federal Regulations (CFR), Section 381.170(b)(7) that defines a poultry “wing.” The use of the term “wing” cannot be used on any poultry product unless it complies with this standard of identity. In comparison, FSIS allows the use of the term “wyngz” to denote a product that is in the shape of a wing or a bite-size appetizer type product under the following conditions in which the Agency considers its use fanciful and not misleading:

1. The statement may only reference the term “wyngz” (no other misspellings are permitted). All labels bearing the term “wyngz” need to be submitted to the Labeling and Program Delivery Division (LPDD) for sketch approval because it is considered a special statement that cannot be generically approved;
2. the poultry used is white chicken (with or without skin);
3. “wyngz” is placed contiguous to a prominent, conspicuous, and legible descriptive name (e.g., “white chicken fritters”) in the same color font;
4. the smallest letter in the descriptive name is no smaller than 1/3 the size of the largest letter used in “wyngz;” and
5. a statement that further clarifies that the product does not contain any wing meat or is not derived only from wing meat (e.g., “contains no wing meat,” “with no wing meat,” “contains breast meat and wing meat”) is placed in close proximity to the descriptive name and linked to “wyngz” by use of an asterisk. “Wyngz” referenced elsewhere on the package, e.g., on the front riser panel, would also need to be displayed with an asterisk linking it to this statement on the principal display panel.

From: [Canavan, Jeff - FSIS](#)
To: [Santaliz, Gianfranco - FSIS](#)
Cc: [Murphy-Jenkins, Rosalyn - FSIS](#)
Subject: FW: NY Post (David Li): Definition of Chicken Wings, "Wygzn"
Date: Wednesday, August 15, 2018 9:25:42 AM

From: Canavan, Jeff

Sent: Thursday, February 3, 2011 10:13 AM

To: Gaffney, Neil <neil.gaffney@fsis.usda.gov>; Murphy-Jenkins, Rosalyn <Rosalyn.Murphy-Jenkins@fsis.usda.gov>; Ballard, Tammie <Tammie.Ballard@fsis.usda.gov>; Jones, Sally <Sally.Jones@fsis.usda.gov>

Subject: RE: NY Post (David Li): Definition of Chicken Wings, 'Wygzn'

Neil,



Jeff

Jeffrey W. Canavan, MPA, RD
Deputy Director
Labeling and Program Delivery Division
USDA, FSIS, OPPD, LPDD
5601 Sunnyside Ave., Stop 5273
Beltsville, MD 20705-5273
Phone: (301) 504-0879
Fax: (301) 504-0872

Please include your name and/or company name, phone number and complete e-mail address so that we may promptly reply to your inquiries.

FSIS, Labeling and Program Delivery Division

Website: <http://www.fsis.usda.gov/OPPDE/larc/index.htm>

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From: Gaffney, Neil

Sent: Thursday, February 03, 2011 9:50 AM

To: Murphy-Jenkins, Rosalyn; Ballard, Tammie; Canavan, Jeff; Jones, Sally

Subject: FW: NY Post (David Li): Definition of Chicken Wings, 'Wygzn'

FYI.

Neil Gaffney
Press Officer
Office of Public Affairs and Consumer Education
Food Safety and Inspection Service
U.S. Department of Agriculture
1400 Independence Avenue, SW, Rm. 1175-South Building
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O.: 202-690-3386; BB: 202-573-1845; Fax. 202-690-0460
Neil.Gaffney@fsis.usda.gov

<http://www.youtube.com/USDAFoodSafety>

<http://twitter.com/usdafoodsafety>

<http://www.fsis.usda.gov>

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From: Gianforti, Adrian
Sent: Thursday, February 03, 2011 9:46 AM
To: Gaffney, Neil; Chan, Stephanie; Sandretti, David
Cc: Cochran, Catherine; Rowe, Courtney; DeJong, Justin
Subject: RE: NY Post (David Li): Definition of Chicken Wings, 'Wygngz'

Morning All,

FYI:

http://www.nypost.com/p/news/national/snack_on_these_wyngz_NTq155Mmqkvepx7Bwt3PSL

Best,
Adrian

Adrian C. Gianforti

Public Affairs Specialist
USDA, Food Safety and Inspection Service
Congressional and Public Affairs, OPACE
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Adrian.Gianforti@fsis.usda.gov

<http://www.youtube.com/USDAFoodSafety>

<http://twitter.com/usdafoodsafety>

<http://www.fsis.usda.gov>

From: Gaffney, Neil
Sent: Wednesday, February 02, 2011 3:03 PM
To: Gianforti, Adrian
Cc: Cochran, Catherine
Subject: FW: NY Post (David Li): Definition of Chicken Wings, 'Wygngz'

Adrian –

Can you take a look at the labeling document and give me short answers to the two questions below? Cathy can get you the link. Thanks.

Regards,

Neil Gaffney
Press Officer
Office of Public Affairs and Consumer Education
Food Safety and Inspection Service
U.S. Department of Agriculture
1400 Independence Avenue, SW, Rm. 1175-South Building
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<http://www.fsis.usda.gov>

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From: Chan, Stephanie [<mailto:Stephanie.Chan@oc.usda.gov>]
Sent: Wednesday, February 02, 2011 2:55 PM
To: Sandretti, David; Mabry, Brian; Gaffney, Neil
Cc: Rowe, Courtney; DeJong, Justin
Subject: NY Post (David Li): Definition of Chicken Wings, 'Wygngz'

Team FSIS? Could you gents give us a bit of background on this?

Stephanie Chan

Press Assistant, Office of Communications
U.S. Department of Agriculture
Desk: (202) 720-5555 | Cell: (202) 256-8626
Stephanie.chan@oc.usda.gov

From: davidkli@aol.com [<mailto:davidkli@aol.com>]
Sent: Wednesday, February 02, 2011 2:22 PM
To: Chan, Stephanie
Subject: Re: food safety labeling question

Questions ..

--What can be labeled a ``wing" in terms of a chicken product? Is there a regulation that specifically explains this?

--Are you aware of the DiGorno ``wyngz" product? It seems to be chicken but not of wing meat. Is this acceptable (a slightly different spelling of ``wings")?

I'm working on this for tomorrow's newspaer. So any guidance you can offer in the next 2 or 3 hours would be very much appreciated?

Best ..

David K. Li
New York Post
(212) 930-8629
(323) 376-5352

-----Original Message-----

From: davidkli@aol.com

To: stephanie.chan@oc.usda.gov

Sent: Wed, Feb 2, 2011 1:30 pm

Subject: food safety labeling question

Hello Stephanie. Call David K. Li at The New York Post (212) 930-8629 or (323) 376-5352.

Let's talk about ...

http://askfsis.custhelp.com/cgi-bin/askfsis.cfg/php/enduser/std_adp.php?p_faqid=1450&p_created=1292614532

<http://www.colbertnation.com/the-colbert-report-videos/372962/february-01-2011/thought-for-food---wyngz---wal-mart>

Best ...

David

NEW!

IT'S NOT DELIVERY. IT'S DiGIORNO.

DiGIORNO

PIZZA



**BONELESS
WYNGZ**
WHITE MEAT CHICKEN FRITTERS

HAND TOSSED STYLE CRUST

NO WING MEAT



SERVING SUGGESTION



MADE WITH
100% REAL CHEESE

KEEP FROZEN
NOT READY TO EAT
COOK THOROUGHLY

Full Size
SUPREME PIZZA

SAUSAGE, PEPPERONI, RED PEPPERS, GREEN PEPPERS, ONIONS
PEPPERONI MADE WITH PORK, CHICKEN & BEEF. SAUSAGE MADE WITH PORK & CHICKEN.

Side Order
HONEY BBQ CHICKEN

WHITE MEAT CHICKEN FRITTERS WITH A HONEY BBQ SAUCE



NET WT XX OZ (XXXg)

From: FSIS Labeling
Sent: Thursday, June 08, 2006 11:04 AM
To: (b) (6)
Cc: Experts -USDA
Subject: RE: (#4580) FW: labeling/Question from Ask the Expert-- Other - 1148658508081

(b) (6)

Your inquiry has been forwarded to us, The Labeling and Consumer Protection Staff.

Use of the term "wing" on a poultry product to describe a product that is not derived from the wing is problematic since "wings" are a recognized cut of poultry (9 CFR 381.170 (b)(7)). Consequently, use of the term "wing" would be false and misleading to describe a product that is actually made from breast meat.

Use of the term "mock" is an option, e.g., "Mock Chicken Wings" with a descriptive name, e.g., "Breaded Chicken Breast Chunks." Alternatively, a fanciful name such as "WingDings" or "Wyngez," etc. will probably be acceptable provided the label bears a prominent descriptive product name (see example above) and the fanciful name is placed away from the product name on the principal display panel. The sketch label will need to be submitted to our office for evaluation.

If you need additional assistance you may contact me at the number(s) or email address below.

Sincerely,

Jeffrey W. Canavan

Jeffrey W. Canavan, RD, LD
Labeling Compliance Team
FSIS, USDA, Labeling and Consumer Protection Staff
Washington, DC 20250
(202) 205-0623 or (202) 205-0279

Website: [http://www.fsis.usda.gov/About FSIS/labeling & consumer protection/index.asp](http://www.fsis.usda.gov/About_Fsis/labeling_&_consumer_protection/index.asp)

Email address: fsis.labeling@fsis.usda.gov

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Labeling and Consumer Protection Staff
1400 Independence Ave., SW
Room 602, Annex
Washington, D.C. 20250-3700

PHONE: (202) 205-0279 or (202) 205-0623
FAX: (202) 205-3625

Importance: High

Thank you

Subject: Question from Ask the Expert-- Other - 1148658508081

[illegible]

Thanks for your help with this matter. I appreciate your time. (b) (6)

From: Engeljohn, Daniel
To: [O'Conner, Tammy - FSIS](#); [Porretta, Mary - FSIS](#)
Cc: [Reo, Mark - FSIS](#)
Subject: RE: askFSIS Q&A regarding use of wyngz on poultry product labeling - clearance/comments due 12/14/10
Date: Thursday, December 9, 2010 10:15:32 AM

(b) (5)

Daniel L. Engeljohn, PhD

Assistant Administrator

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BlackBerry -- (202) 368-5457 -- emergency only
Fax -- (202) 720-2025
Policies -- http://www.fsis.usda.gov/Regulations_&Policies/index.asp

From: O'Conner, Tammy
Sent: Thursday, December 09, 2010 10:12 AM
To: Engeljohn, Daniel; Porretta, Mary
Cc: Reo, Mark
Subject: askFSIS Q&A regarding use of wyngz on poultry product labeling - clearance/comments due 12/14/10

Please review and provide your clearance/comments to me by cob Tuesday, December 14, 2010.

(b) (5)

(b) (5)

Tammy S. O'Conner

Program Analyst

Policy Issuances Division, OPPD, FSIS

Room 6073-S

202-205-0295

From: Winters, Robert O.
To: [Canavan, Jeff - FSIS](#)
Subject: RE: Boneless Wings Question
Date: Monday, November 8, 2010 8:44:49 AM

Thanks for the response, Jeff. "Wyngez" it is. And stop working on the weekend!!!

We eagerly await word on your discussions with AMS.

Robert Winters

Regulatory Attorney

Hogan Lovells US LLP

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Please consider the environment before printing this e-mail.

From: Canavan, Jeff [mailto:Jeff.Canavan@fsis.usda.gov]
Sent: Saturday, November 06, 2010 8:24 PM
To: Winters, Robert O.
Subject: RE: Boneless Wings Question

Robb,

We believe the fanciful term "wyngez" needs to be used to clearly distinguish the product from a traditional wing. We will get back to you shortly after we discuss the proposal with AMS.

Jeff

Jeffrey W. Canavan, MPA, RD
Deputy Director
Labeling and Program Delivery Division
USDA, FSIS, OPPD, LPDD
5601 Sunnyside Ave., Stop 5273
Beltsville, MD 20705-5273
Phone: (301) 504-0879
Fax: (301) 504-0872

Please include your name and/or company name, phone number and complete e-mail address so that we may promptly reply to your inquiries.

FSIS, Labeling and Program Delivery Division

Website: <http://www.fsis.usda.gov/OPPDE/larc/index.htm>

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From: Winters, Robert O. [mailto:robert.winters@hoganlovells.com]
Sent: Friday, November 05, 2010 4:45 PM
To: Canavan, Jeff
Subject: Boneless Wings Question

Jeff:

I shared with Nestle the labeling staff's strong preference for the use of the letter "y" in the term "wings". Is the term "Wyngs" acceptable or must it be "Wyngz"? We are trying to get a revised mock-up to you ASAP.

Regards,
--Robb

Robert Winters

Regulatory Attorney

Hogan Lovells US LLP
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Washington, DC 20004

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From: [Canavan, Jeff - FSIS](#)
To: [Winters, Robert O.](#); [Murphy-Jenkins, Rosalyn - FSIS](#)
Subject: RE: Boneless Wyngz
Date: Friday, December 3, 2010 1:49:00 PM

Robb,

We discussed the modifications. The asterisk does not need to appear in the romance copy, cooking instructions, or advertisement pictures for the other product lines all of which are located on the back panel. However, it should appear with the reference to wyngz on the side panels and PDP.

Jeff

Jeffrey W. Canavan, MPA, RD
Deputy Director
Labeling and Program Delivery Division
USDA, FSIS, OPPD, LPDD
5601 Sunnyside Ave., Stop 5273
Beltsville, MD 20705-5273
Phone: (301) 504-0879
Fax: (301) 504-0872

Please include your name and/or company name, phone number and complete e-mail address so that we may promptly reply to your inquiries.

FSIS, Labeling and Program Delivery Division

Website: <http://www.fsis.usda.gov/OPPDE/larc/index.htm>

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From: Winters, Robert O. [mailto:robert.winters@hoganlovells.com]
Sent: Tuesday, November 30, 2010 2:38 PM
To: Murphy-Jenkins, Rosalyn; Canavan, Jeff
Subject: RE: Boneless Wyngz

Roz & Jeff:

I hope you both had a wonderful holiday weekend, and many thanks for having the approved as modified labels ready for pick-up early yesterday. The only feedback I have gotten from Nestle is some exasperation over the need to add the asterisk on every use of the term "wyngz" in the romance copy on the back panel of the labels. Is there any flexibility here -- such as leaving off the asterisk in the small type (i.e., black font) used in the baking/preparation directions on the lower half of the back panel but including it in all more prominent uses of the term on this panel? This seems to me to be a reasonable compromise that allows clear information to be provided to consumers but avoids unnecessary clutter. Nestle has not asked me to approach you regarding this issue, but I thought it was worth asking. Your thoughts?

Regards,
--Robb

Robert Winters
Regulatory Attorney

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From: Murphy-Jenkins, Rosalyn [mailto:Rosalyn.Murphy-Jenkins@fsis.usda.gov]
Sent: Friday, November 26, 2010 12:19 PM
To: Winters, Robert O.; Canavan, Jeff
Cc: Ballard, Tammie; Harrington, Tawana
Subject: RE: Boneless Wyngz

Hi Rob:

The labels are approved as modified. They should be ready for pick up on Monday. We have minimal staff in today so Monday is better.

Hope you had an enjoyable holiday.

Roz

Rosalyn Murphy-Jenkins, Director
Labeling and Program Delivery Division OPPD-FSIS-USDA
(301) 504-0879 Main Line - Fax: (301) 504-0872
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Submit your questions to...

<http://askfsis.custhelp.com>

Website: http://www.fsis.usda.gov/About_Fsis/labeling_&_consumer_protection/index.asp

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From: Winters, Robert O. [mailto:robert.winters@hoganlovells.com]
Sent: Wednesday, November 24, 2010 2:03 PM
To: Murphy-Jenkins, Rosalyn; Canavan, Jeff
Cc: Ballard, Tammie; Harrington, Tawana
Subject: Re: Boneless Wyngz

Roz -- Thank you for the additional information. Nestle has requested the "approved as modified" labels instead of resubmitting revised labels. When we met yesterday, Jeff offered to have the

labels ready on Friday. We will plan to send a messenger first thing Monday morning to pick them up, if the offer still stands.

Happy Thanksgiving!
--Robb
Sent from my Blackberry

From: Murphy-Jenkins, Rosalyn <Rosalyn.Murphy-Jenkins@fsis.usda.gov>
To: Winters, Robert O.; Canavan, Jeff <Jeff.Canavan@fsis.usda.gov>
Cc: Ballard, Tammie <Tammie.Ballard@fsis.usda.gov>; Harrington, Tawana <Tawana.Harrington@fsis.usda.gov>
Sent: Wed Nov 24 13:26:19 2010
Subject: RE: Boneless Wyngz

We are requiring the asterisk with all Wyngz including the big one in the banner. This is for consistency.

Rosalyn Murphy-Jenkins, Director
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From: Winters, Robert O. [mailto:robert.winters@hoganlovells.com]
Sent: Tuesday, November 23, 2010 2:33 PM
To: Canavan, Jeff; Murphy-Jenkins, Rosalyn
Cc: Ballard, Tammie; Harrington, Tawana
Subject: Boneless Wyngz
Importance: High

Roz & Jeff:

Thanks to all of you for your time and insights on a number of labeling issues this morning. I greatly appreciate your availability and willingness to meet with me. I have two quick questions for you on the DiGiorno Pizza & Boneless Wyngz labels. Are you requiring the "Boneless Wyngz" in the masthead -- the big off-white banner across the top -- to be tied with an asterisk to the "with no wing meat" statement? I believe the close proximity of the statement to the masthead would make an asterisk for this use of Wyngz unnecessary, but I can not recall whether one had been added as part of your modifications. Also, could you let me know whether every single use of the term "wyngz" will require the asterisk (i.e., in the back panel romance copy) or the more prominent uses of the term on each panel? These issues are important to Nestle as they contemplate whether to get the "approved as modified" labels now or resubmit.

[Tammie & Tawana -- If Roz & Jeff have left for the day but the label is still accessible, could you provide an answer to the above questions for me?]

I hope you have a wonderful Thanksgiving!

Regards,
--Robb

Robert Winters

Regulatory Attorney

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From: Winters, Robert O.
To: [Canavan, Jeff - FSIS](#)
Subject: Revised PDP for Boneless Wyngz
Date: Monday, November 8, 2010 12:09:10 PM
Attachments: [PizzaWyngz_1.pdf](#)

Jeff:

Per our discussions on Friday and email correspondence over the weekend, please see the attached revised mock-up of the PDP for the DiGiorno Pizza & Boneless Wyngz product. The spelling has been changed to the fully fanciful "Wyngz" and the word "Contains" has been dropped from the "Contains no wing meat" statement. We understand you are awaiting comments from AMS and look forward to hearing from you.

Regards,
--Robb

Robert Winters

Regulatory Attorney

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